

REMARKS

In the Final Office Action mailed June 8, 2009¹, the Examiner:

rejected claims 1, 18, 46, and 47 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application Publication No. 2003/0083040 to Ruth et al. ("Ruth") in view of U.S. Patent No. 6,996,227 to Albal et al. ("Albal");

rejected claims 2-6, 8-11, 13-17, 19-22, 24-35, 37-45, and 50-52 under 35 U.S.C. § 103(a) as unpatentable over *Ruth* in view of *Albal* and further in view of U.S. Patent Application Publication No. 2003/0112928 to Brown et al. ("Brown"); and

rejected claims 7 and 49 under 35 U.S.C. § 103(a) as unpatentable over *Ruth*, *Brown* and *Albal*, and further in view of U.S. Patent Publication No. 2003/0069874 to Herzog et al ("Herzog").

By this Amendment After Final, Applicants propose to amend claims 1-6, 11, 14-17, 27, 33, 43, 46, 49, and 50, and cancel claims 18-22, 24-26, 35, 47, and 52 without prejudice or disclaimer. Upon entry of this Amendment After Final, claims 1-11, 13-17, 27-35, 37-46, and 49-51 will be pending.

I. The Rejection of Claims 1, 18, 46, and 47 under 35 U.S.C. § 103(a)

Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1, 18, 46, and 47 under 35 U.S.C. § 103(a). A *prima facie* case of obviousness has not been established with respect to these claims. Claims 18 and 47 have been canceled, rendering the rejection moot with respect to these claims.

Claim 1 recites a method for logging calls comprising, *inter alia*: "receiving, from a user of a calling device, instructions that specify filter settings for logging outgoing

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to certain requirements applicable to such rejections (e.g., whether a reference constitutes prior art, or motivation to combine references) is not a concession by Applicants that such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

calls to a plurality of parties in a call log, wherein the instructions indicate that calls from the user of the calling device to a first one of the parties are to be excluded from the call log (emphasis added).

Ruth discloses a method for logging call information associated with a representative sampling of calls from mobile terminals (*Ruth*, abstract and ¶ 7). In *Ruth*'s method, a mobile terminal identifier (IMSI) associated with each call is hashed to generate a hash value, and the hash value is compared to predetermined logging criteria to determine whether to log each call (*Ruth*, abstract and ¶ 7). The logging criteria may indicate that when the hash value is less than, greater than, or equal to a predetermined number, the call should be logged (*Ruth*, ¶ 7).

Ruth also discloses that a "call ID" may be used in place of the IMSI to determine whether to log a particular call (*Ruth*, ¶ 7). The Final Office Action appears to take the position that *Ruth*'s user specifies the "call ID" (Final Office Action at page 11). However, even assuming this is the case, *Ruth* does not disclose or suggest that a "call ID" is associated with one of the parties to a call. Instead, *Ruth* discloses that the "call IDs" are assigned individually to each call (*Ruth*, ¶ 26).

Moreover, the Final Office Action incorrectly characterizes *Ruth* in stating that the user specifies the call ID. First, the Final Office Action alleges that *Ruth* discloses "user data may indicate which call to log based on the call identifier/call ID" (Final Office Action at page 12, citing *Ruth*, ¶ 17). This is incorrect.

Ruth discloses logging call information such as signaling messages, status information, or user data (*Ruth*, ¶ 17). However, contrary to the allegations in the Final Office Action, *Ruth* does not disclose that the user data is used to indicate which calls to log. Instead, *Ruth* merely discloses that the "user data" is logged along with the rest of

the call information, such as the signaling messages and status information (*Ruth*, ¶ 17).

Further, the Final Office Action alleges that *Ruth* discloses that a "system operator" (e.g., user) specifies the IMSI for indicating which call to log" (Final Office Action at page 12, citing *Ruth*, ¶ 19). This is also incorrect.

Ruth does not disclose that the system operator identifies a particular IMSI for which calls should or should not be logged. Rather, *Ruth* merely discloses that the system operator discloses a percentage of calls to log (*Ruth*, ¶ 19). Moreover, the Final Office Action has failed to explain how *Ruth*'s system operator could identify a particular party or phone number for exclusion from a call log, given that that *Ruth* calculates a hash of the IMSIs for each call and then uses the hash value to determine whether to log the call (*Ruth*, ¶ 19). For these reasons, *Ruth* does not teach or suggest "receiving, from a user of a calling device, instructions that specify filter settings for logging outgoing calls to a plurality of parties in a call log, wherein the instructions indicate that calls from the user of the calling device to a first one of the parties are to be excluded from the call log," as recited by independent claim 1 (emphasis added).

Albal fails to cure these deficiencies of *Ruth*. *Albal* discloses storing information in an address book by creating records of telephone calls, and determining if the records match telephone numbers in the address book (*Albal*, abstract). The Final Office Action alleges that *Albal* discloses inserting a dialed number into a contact list (Final Office Action at page 3). However, even assuming this is the case (a position Applicants do not concede), *Albal* still fails to teach or suggest "receiving, from a user of a calling device, instructions that specify filter settings for logging outgoing calls to a plurality of parties in a call log, wherein the instructions indicate that calls from the user

of the calling device to a first one of the parties are to be excluded from the call log," as recited by independent claim 1 (emphasis added).

Accordingly, no *prima facie* case of obviousness has been established for independent claim 1. Independent claim 46, while of different scope, recite features similar to those of claim 1 and is thus allowable over *Ruth* and *Albal* for reasons similar to those discussed above in regard to claim 1.

II. The Rejection of Claims 2-6, 8-11, 13-17, 19-22, 24-35, 37-45, and 50-52 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the Examiner's rejection of claims 2-6, 8-11, 13-17, 19-22, 24-35, 37-45, and 50-52 under 35 U.S.C. § 103(a). A *prima facie* case of obviousness has not been established with respect to these claims. Claims 19-22, 24-26, 35, and 52 have been canceled, rendering the rejection moot with respect to these claims.

Independent claim 27, although of different scope than claim 1, recites features similar to those set forth above with respect to claim 1. Claims 2-6, 8-11, 13-17, 50, and 51 depend from claim 1, and claims 28-34 and 37-45 depend from claim 27. As discussed above with respect to claim 1, *Ruth* and *Albal* fail to teach or suggest "receiving, from a user of a calling device, instructions that specify filter settings for logging outgoing calls to a plurality of parties in a call log, wherein the instructions indicate that calls from the user of the calling device to a first one of the parties are to be excluded from the call log," as recited by independent claim 1 (emphasis added).

Brown fails to cure the deficiencies of *Ruth* and *Albal*. *Brown* discloses a method, system, and program for logging calls according to a call context (*Brown*, abstract), and that entities can specify "logging preferences" related to call context

(*Brown*, ¶ 155). The Final Office Action alleges that *Brown* discloses providing a user with access to a call log (Final Office Action at page 5). However, even assuming this is the case (a position Applicants do not concede), *Brown* still does not teach or suggest "receiving, from a user of a calling device, instructions that specify filter settings for logging outgoing calls to a plurality of parties in a call log, wherein the instructions indicate that calls from the user of the calling device to a first one of the parties are to be excluded from the call log," as recited by independent claim 1 (emphasis added).

For these reasons, no *prima facie* case of obviousness has been established with respect to claims 2-6, 8-11, 13-17, 27-34, 37-45, 50, and 51. Accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 2-6, 8-11, 13-17, 27-35, 37-45, 50, and 51.

III. The Rejection of Claims 7 and 49 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the Examiner's rejection of claims 7 and 49 under 35 U.S.C. § 103(a) as being unpatentable over *Ruth* and *Albal* in view of *Brown*. A *prima facie* case of obviousness has not been established with respect to these claims.

Claims 7 and 49 depend from claim 1. As discussed above, *Ruth*, *Albal*, and *Brown* fail to teach or suggest "receiving, from a user of a calling device, instructions that specify filter settings for logging outgoing calls to a plurality of parties in a call log, wherein the instructions indicate that calls from the user of the calling device to a first one of the parties are to be excluded from the call log," as recited by independent claim 1 (emphasis added).

Hertzog discloses a database of personal contact information that allows a user to dictate preferences for when their associated contact information is valid (*Hertzog*,

abstract). The Final Office Action alleges that *Hertzog* discloses retrieving contact-related information including a photograph (Final Office Action at page 10). However, even assuming this is the case (a position Applicants do not concede), *Hertzog* does not teach or suggest "receiving, from a user of a calling device, instructions that specify filter settings for logging outgoing calls to a plurality of parties in a call log, wherein the instructions indicate that calls from the user of the calling device to a first one of the parties are to be excluded from the call log," as recited by independent claim 1 (emphasis added).

For these reasons, no *prima facie* case of obviousness has been established with respect to claims 7 and 49. Accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 7 and 49.

IV. Conclusion

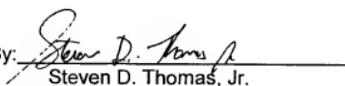
Applicants respectfully request that the Examiner enter this Amendment under 37 C.F.R. § 1.116. Applicants submit that the proposed amendments would place the application in condition for allowance and do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

If there is any fee due in connection with the filing of this Reply, please charge the fee to our Deposit Account No. 06-0916. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136 is hereby made, the fee for which should be charged to the herein-identified deposit account.

Respectfully submitted,

Dated: September 8, 2009

By: 
Steven D. Thomas, Jr.
Reg. No. 64,421